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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Ichio YUDASAKA

Group Art Unit: 2823

Application No.: 10/816,894

Examiner: F. TOLEDO

Filed: April 5, 2004

Docket No.: 119363

For: COATING APPARATUS, THIN FILM FORMING METHOD, THIN FILM FORMING APPARATUS, AND SEMICONDUCTOR DEVICE MANUFACTURING METHOD, ELECTRO-OPTIC DEVICE AND ELECTRONIC INSTRUMENT

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In reply to the September 27, 2006 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-14 are pending in this application. Claims 8 and 12-14 have been previously withdrawn from consideration.

**I. The Claims Define Allowable Subject Matter**

Claims 1-7 and 9-11 are rejected under 35 U.S.C. §102(e) over U.S. Patent Application Publication No. 2004/0087068 A1 to Yudasaka (hereinafter "Yudasaka"). The rejection is respectfully traversed.

35 U.S.C. §102(e) provides as follows: "A person shall be entitled to a patent unless — (e) the invention was described in — (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent ...." According to MPEP §706.02(a), in order to apply a reference under 35 U.S.C. §102(e),

the inventive entity must be different than that of the reference. Yudasaka is not "by another" relative to the present application. In other words, the present application and Yudasaka share the same inventive entity. In fact, the present application and Yudasaka are even commonly assigned to Seiko Epson Corporation.

Thus, Yudasaka does not constitute prior art under 35 U.S.C. §102(e). Withdrawal of the §102(e) rejection is respectfully requested.

**II. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claim are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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JAO:OHC/mdw

Date: November 30, 2006

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